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Hutchison & Mason PLLC
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Raleigh, NC 27612

In re Application of:

Andreas REINDL

Application No.: 10/521,584

PCT Application No.: PCT/EP03/07590

Int. Filing Date: 14 July 2003

Priority Date: 18 July 2002

Attorney's Docket No.: BASF.10029

For: NADH-DEPENDENT CYTOCHROME b5

REDUCTASE AS TARGET

FOR HERBICIDES

COMMUNICATION

This is a communication in response to applicant's informal communication filed on 14 July 2005.

DISCUSSION

On 14 July 2003, applicant filed international application PCT/EP03/07590, which designated the U.S. and claimed the priority of an application filed on 18 July 2002. Accordingly the 30-month deadline for entry into the U.S. national stage expired at midnight on 18 January 2005.

On 18 January 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the requisite basic national fee required by 35 U.S.C. 371(c)(1), an executed declaration of the inventor and a copy of the published international application.

On 07 July 2005, DO/EO/US mailed a Form PCT/DO/EO/922 (NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES. This form required a response in compliance with 37 CFR 1.821-1.825 and additional fees. The form was mailed to the correspondence address specified in the 18 January 2005 national stage papers.

On 27 May 2005, applicant filed a revocation of power of attorney with a new power of attorney and a change of correspondence address. It is noted that the 27 May 2005 power of attorney was improper. The power of attorney was executed by the assignee. In order for such a power to be proper it must identify the assignment documents by reel and frame number or be accompanied by a copy of the assignment documents.

The 27 May 2005 papers indicated that

"... BASF Aktiengessllschaft was the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of . . .

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached."

The papers did not identify a reel and frame number nor was a copy of the assignment attached thereto. Thus, the 27 May 2005 change of correspondence address and power of attorney were not proper. The Form PCT/DO/EO/922 was properly mailed to the initial correspondence address.

DECISION

For the reasons discussed above, the Form 922 mailed on 07 July 2005 was properly mailed and is outstanding.

A copy of the 07 July 2005 Form PCT/DO/EO/922 is attached to this communication. This form set a time limit for response of two months from the mail date of the form or 32 months from the priority date for the application whichever is later. It is noted that the two month from mailing date time limit is controlling in this application. It is also noted that this time limit may be extended under 37 CFR 1.136(a).

It is noted that the revocation and new power of attorney filed 14 July 2005 is not proper because the submission was not signed by an attorney or agent registered to practice before the United States Patent and Trademark Office.

This communication is being sent to Hutchison & Mason PLLC as a courtesy, but absent a proper change of correspondance, all future correspondance will continue to be sent to the attorney of record.

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of this letter marked to the attention of the PCT Legal Office.



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Encl: 07 July 2005 Form 922